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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 ANTOINE A. LEACH,
8 Plaintiff,
9 v.
10 SGT JACK RICHARDSON, CUS
11 DON DESHAZER, SUSAN CROWE
and JESSICA HOLWAY,
12 Defendants.

NO: 4:21-CV-5137-TOR
ORDER DISMISSING ACTION
WITHOUT PREJUDICE

14 By Order filed November 8, 2021, the Court instructed Plaintiff to comply
15 with 28 U.S.C. § 1915(a)(2), which requires a prisoner seeking to bring a civil action
16 without prepayment of the filing fee to submit a certified copy of his trust fund
17 account statement (or institutional equivalent) for the six months immediately
18 preceding the filing of the complaint. ECF No. 7. Plaintiff, a prisoner at the
19 Washington State Penitentiary, is proceeding *pro se*. Defendants have not been
20 served.

1 In the alternative, Plaintiff could have paid the \$402.00 filing fee to commence
2 this action under 28 U.S.C. § 1914. ECF No 7 at 2. The Court cautioned Plaintiff
3 that his failure to timely provide the documents necessary to proceed *in forma*
4 *pauperis* or payment of the filing fee would result in the dismissal of this case. *Id.*
5 at 3.

6 Plaintiff did not comply with the Court's directive and has filed nothing
7 further in this action. The Court concludes that Plaintiff has chosen to abandon this
8 litigation.

9 Therefore, **IT IS ORDERED** this action is **DISMISSED** without prejudice
10 for failure to comply with the filing fee or *in forma pauperis* requirements.

11 The Clerk's Office is directed to enter this Order, enter judgment of dismissal
12 without prejudice, provide a copy to Plaintiff and **CLOSE** the file. The Court
13 certifies any appeal of this dismissal would not be taken in good faith.

14 **DATED** December 9, 2021.



15 A handwritten signature in blue ink that reads "Thomas O. Rice".
16 THOMAS O. RICE
17 United States District Judge
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